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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,313	01/25/2002	Michael Schuman	MS/2	1916

7590 03/31/2004
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EXAMINER

DAHBOUR, FADI H

ART UNIT PAPER NUMBER

3743

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,313

Applicant(s)

SCHUMAN, MICHAEL

Examiner

Fadi H. Dahbour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 10, 12, 13, 15, 17, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 2, 4-9, 11, 14, 16, 18-23, 25 and 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-13, 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each claim recites the limitation "third" in line 1. There is insufficient antecedent basis for this limitation in each claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 10, 15, 17, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Grim et al.

Grim discloses an arm brace (Figs.1-15), comprising a sleeve (see "sleeve" in line 1 of abstract) having a proximal end and a distal end and an anterior surface and a posterior surface (Figs.1-2), the sleeve further having an opening at the proximal end through which an arm may be inserted (Figs.1-2), a wrist portion positioned distally from the proximal opening (Figs.1-2), and a hand portion positioned distally from the wrist portion and including the distal end (Figs.1-2), the hand portion further having a first opening through which a hand of the arm is engaged (Figs.1-2), a first elongated

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support member secured to the posterior surface of the sleeve (30, 34 of Fig.1), the first member extending distally from near the proximal end of the sleeve (30, 34 of Fig.1), and a second elongated member secured to the anterior surface of the sleeve (50, 51 of Fig.2), the second elongated member extending from the wrist portion of the sleeve to the distal end of the sleeve (50, 51 of Fig.2), further including at least one strap (see "straps" in lines 17-18 of abstract) secured to the hand or wrist portions of the sleeve and oriented perpendicularly to the elongated members and configured to circumferentially wrap around the hand or wrist portions of the sleeve upon engagement of the arm and hand within the sleeve (Figs.1-2), the hand portion further having a second opening positioned between the anterior and posterior surfaces of the sleeve and configured to engage a thumb of the hand engaged within the hand portion (Figs.1-2), and further comprising a method for minimizing hand and arm tremors in individuals suffering from a medical condition causing the tremors, the method comprising attaching an arm brace to an individual's arm (see "brace" in line 4 of col.2, also see "methods of immobilizing" in line 11 of col.1, also see Figs.1-2).

Allowable Subject Matter

5. Claims 2, 4-9, 11, 14, 16, 18-23, 25, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 12-13, 26-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Brien, Theisler, Thibodo, Jr., Betcher and Smerdon, Jr. are cited to show braces and supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fadi H. Dahbour
Examiner
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